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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,135	05/15/2001	Brian A. Baker	RPS920000068US1	1735
45503	7590	11/03/2005	EXAMINER	
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,135

Applicant(s)

BAKER ET AL.

Examiner

Laura A. Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-11 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 5, 7-8, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of In re Japiske, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding **claims 1 and 7**, Tran discloses a multimedia speaker detection circuit (figures 1-3). Tran's disclosure comprises a multimedia speaker detector (64) coupled to an audio connector for determining whether a speaker coupled to the computer system is passive or active; wherein, according to the type of speaker determined, a power level is provided accordingly; for instant for a passive speaker amplification is provided, and for an active speaker, the speaker is self-powered (col. 5, lines 17-40, and lines 64-67; col. 6, lines 1-21 and 33-55), which reads on "based on the determining step, providing one of a plurality of different power levels to the audio output jack", wherein the audio output jack is inherently supported as evident of the audio connector (figure 2—reference 66 and figure 3). Tran further discloses a multiplexer receiving an inputs L and R amplified inputs, two amplifiers (94) - (col. 6, lines 1-17), which reads on selectively controlling the output of a switch device, wherein the signals intended for the active and/or passive speaker passes through the multiplexer (96) for output at 122 and 124; further both the active and passive signals passes through amplifier (98) as well, which indicates a passive speaker amplifier; the input amplified signals (114/116), obviously provides support of

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signals output via headphone audio codec as evident by the fact that are active signal, which bypasses amplifier section 94 and passes through R8/R6 and provides for output at 122 and 124 via amplifier 98 (passive amplifier), which may be either a speaker output or a headphone out (col. 5, lines 56-67 and col. 6, lines 1-21), which indicates the audio codec and headphone amplifier having a connected output to the passive amplifier. Tran fails to specifically disclose a second input from the passive speaker amplifier coupled the input of switch device. However, it would have been to one of the ordinary skill in the art at the time the invention was made to modify the invention was made to position the amplifier (TDA1517 – reference 98) before the input of amplifiers (94), thus enabling an input into multiplexer (96), since it has been held that rearranging parts of an invention involves only routine skill in the art, *In re Japikse*, 86 USPQ 70, for the purpose of optimizing audio circuitry and the performance of various speaker types.

Regarding **claim 2 and 8**, Tran and *In re Japikse* disclose everything claimed as applied above (see claims 1 and 7, respectively). Tran's disclosure further comprises the multimedia speaker detection (64) coupled to an audio connector (66), wherein the detection is based upon the impedance level of the speaker coupled to the computer (col. 5, lines 17-41), which reads on sensing an impedance at the audio jack output.

Regarding **claims 5 and 11**, Tran and *In re Japikse* disclose everything claimed as applied above (see claim 2 and 7, respectively). Tran's disclosure further a voltage associated with the impedance to a reference voltage (col. 5, lines 56-67, col. 6, lines 1-55).

4. Claims 3-4 and 9-10, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran and *In re Japikse* further in view of the applicant's admitted prior art (AAPA).

Regarding **claims 3 and 9**, Tran and In re Japikse disclose everything claimed as applied above (see claims 1 and 7, respectively). Tran discloses the speaker (an audio output device) as being either passive or active. However, Tran and In re Japikse fail to specifically disclose a specific power signal (3-watts) for the passive output device to the audio output jack. The examiner maintains that such a specific watt for a power signal was well known in the art.

Regarding the specific watt for a power signal, AAPA disclose that the power supply of a passive device (speaker) being 3-watts per channel (page 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Tran and In re Japikse by implementing a power signal of 3-watts to a passive speaker for the purpose of providing adequate power to the speaker, wherein 3-watts is a common power requirement of passive speakers as taught by the AAPA.

Regarding **claim 14**, Tran and In re Japikse disclose everything claimed as applied above (see claim 9). However, Tran and In re Japikse fail to specifically disclose the audio output device as a headphone. The examiner maintains that such an audio output device was well known in the art.

Regarding the audio output device, AAPA disclose various audio device coupled to the I/O device of the computer system, among the various devices are headphones (page 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Tran and In re Japikse by implementing headphones as an active audio device for the purpose of enable diversity being able to hear the audio output and privacy of the user.

Regarding **claims 4 and 10**, Tran and In re Japikse disclose everything claimed as applied above (see claims 1 and 7, respectively). Tran discloses the speaker (an audio output device) as being either passive or active. However, Tran and In re Japikse fail to specifically disclose a specific power signal (1/4-watt) for the active output device to the audio output jack. The examiner maintains that such a specific watt for a power signal was well known in the art.

Regarding the specific watt for a power signal, AAPA disclose that the power supply of an active device (speaker) being 1/4-watt per channel (page 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Tran and In re Japikse by implementing a power signal of 1/4-watt to an active speaker for the purpose of providing adequate power to the speaker, wherein 1/4-watt is a common power requirement of active speakers as taught by the AAPA.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-11, and 14 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that the prior art of record fails to disclose a switch having a first input from an audio codec and headphone amplifier and a second input from a passive speaker amplifier, and the audio codec and headphone amplifier having an output connected to an input of the passive amplifier. Upon further review of the prior art reference, Tran et al., which discloses the global concept and circuitry of the claimed invention, with the exception of the passive amplifier providing an input to the switch. In re Japikse has been provided to modify the invention of Tran et al., in support of rearranging of parts, a well known

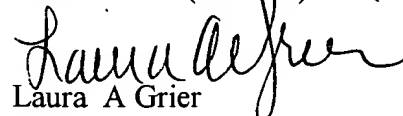
technique in the art of audio signal processing form enhancing the structure and/or performance of device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A Grier
Primary Examiner
Art Unit 2644
October 29, 2005
